

REMARKS

In the present Office Action, the Examiner has requested an electronic sequence listing and rejected the claims as allegedly indefinite under 35 U.S.C. 112.

I. Sequence Listing

The Examiner has requested a Computer Readable Form (CRF) of the sequence listing (Office Action, page 2). A CRF of the sequence listing for this application was submitted in the parent application Ser. No. 08/520,946, now US Pat. 6,372,424. As such, in conjunction with the present communication, Applicants have filed a Request Under 37 CFR 1.821(e) to use the Computer Readable Form from Ser. No. 08/520,946. Consequently, this objection should be withdrawn.

II. Indefiniteness Rejection

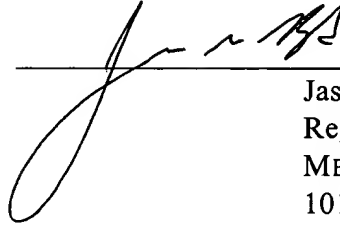
The Examiner rejected Claims 112-117 under 35 U.S.C. 112, second paragraph, as allegedly indefinite for reciting "modifying or detecting a polynucleotide." (Office Action, page 3). In particular, the Examiner notes that Claim 112 does not contain a "detecting" step, and therefore, this allegedly makes Claim 112 unclear since the preamble and final step recite "detecting." The Examiner also points to the claim language in US Pat. 6,110,677 which recites "modifying" (e.g., in Claim 1) separately from "detecting" (e.g. in Claim 12). While Applicants disagree with this rejection, Claim 112 has been amended by deleting "detecting" from the preamble and final phrase (e.g. similar to Claim 1 of the '677 patent). It is noted that dependent Claim 114 contains a detecting step (e.g. similar to Claim 12 of the '677 patent). In light of this amendment, Applicants submit that this rejection should be withdrawn.

CONCLUSION

Applicants submit that the case is in condition for an Interference to be declared between the present application and U.S. Patents 6,110,677 and 6,121,001. If an interview

would aid in the prosecution of this Application, the Examiner may call the undersigned at 608-218-6900.

Dated: July 6, 2004

A handwritten signature in black ink, appearing to read 'Jason R. Bond', is written over a horizontal line.

Jason R. Bond
Registration No. 45,439
MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105